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EXAMINER

BLAKE, CAROLYN T

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,872

Applicant(s)

THOMAS ET AL.

Examiner

Carolyn T. Blake

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 7,8 and 13-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 7-9 are 13-22 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 24, 2004.

Specification

2. The disclosure is objected to because of the following informalities:
- Page 4, paragraph 24, line 3: "clip 27" should be changed to - -clip 27 and 27'- - in order to agree with the drawings.
 - Page 6, paragraph 29, line 3: "handle 12" should be changed to - -handle 512- - in order to agree with the drawings.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Izzi, Sr. (4,630,368).

Regarding claim 1, Izzi discloses a hand saw comprising: a handle (17, 20) including a hand grip portion (17) and first (24) and second (23) blade mounting

Art Unit: 3724

portions, said first blade mounting portion (24) being disposed on a side surface of said handle and said second blade mounting portion (23) being disposed on a bottom surface of said handle; and a blade (15) adapted to be removably mounted to either of said first (24) and second (23) blade mounting portions. Although Izzi, Sr. does not explicitly disclose surface 24 as a blade mounting portion, the fasteners (21) extend beyond the surface a distance greater than the blade thickness as seen in FIGS 1 and 2, and thus are capable of supporting both the handgrip portion (17) and the blade (15).

Claim Rejections - 35 USC § 103

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above.

Izzi, Sr. fails to disclose a screw boss as claimed. However, Official notice is taken it is old and well known in the art to use a boss while attaching two parts in order to guide a fastener. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a boss with the Izzi, Sr. device for the purpose of guiding the fastener.

Furthermore, Izzi, Sr. discloses the blade mounting portions (23, 24) include a hole (30) and fastener (21), but fails to disclose the fastener is a screw. However, Official notice is taken it is old and well known in the art to replace a bolt with a screw for a variety of reasons including desired strength of connection, available fasteners, or available tooling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the bolts of the Izzi, Sr. device with screws.

Art Unit: 3724

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claims 1 and 2 above, and further in view of Coleman (2,140,496).

Regarding claim 3, Izzi, Sr. fails to disclose a key and slot as claimed. However, Coleman discloses a hand saw comprising a handle (1) with a blade mounting portion wherein the portion includes a key (10) adapted to be received in an end slot (8) of the blade (5). The key and slot combination allows the blade to be easily removed from the blade mounting portion while providing a secure connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace one of the fasteners of each Izzi, Sr. blade mounting portion with a key and one of the Izzi, Sr. blade holes with a slot, as disclosed by Colman, for the purpose of providing a secure and easily removable blade-handle connection.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above, and further in view of Coleman (2,140,496).

Regarding claim 4, Izzi, Sr. fails to disclose a key and slot as claimed. However, Coleman discloses a hand saw comprising a handle (1) with a blade mounting portion wherein the portion includes a key (10) adapted to be received in an end slot (8) of the blade (5). The key and slot combination allows the blade to be easily removed from the blade mounting portion while providing a secure connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace one of the fasteners of each Izzi, Sr. blade mounting portion with a key and one of the Izzi, Sr. blade holes with a slot, as disclosed by Colman, for the purpose of providing a secure and easily removable blade-handle connection.

Art Unit: 3724

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above, and further in view of Gunnerson (2,782,821).

Izzi, Sr. fails to disclose a hook member on the handle. However, Gunnerson discloses a hand saw with a handle (15) including a hook portion (see bottom portion) for hanging said saw. The open structure of the Gunnerson handle would allow for a larger hand to comfortably grasp the handle grip than the closed structure of the Izzi, Sr. handle grip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the closed handle grip of the Izzi, Sr. device (still retaining the portion that couples to the blade mounting portions) with an open handle grip with a hook member, as disclosed by Gunnerson, for the purpose of accommodating larger hands.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. in view of Coleman as applied to claim 3 above, and further in view of Gunnerson.

The Izzi-Coleman combination fails to disclose a hook member on the handle. However, Gunnerson discloses a hand saw with a handle (15) including a hook portion (see bottom portion) for hanging said saw. The open structure of the Gunnerson handle would allow for a larger hand to comfortably grasp the handle grip than the closed structure of the Izzi, Sr. handle grip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the closed handle grip of the Izzi, Sr. device (still retaining the portion that couples to the blade mounting portions) with an open handle grip with a hook member, as disclosed by Gunnerson, for the purpose of accommodating larger hands.

Art Unit: 3724

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above.

Izzi, Sr. discloses the blade mounting portions (23, 24) include a hole (30) and fastener (21), but fail to disclose the hole is threaded or the fastener is a screw. However, Official notice is taken is it old and well known in the art to replace a bolt and hole with a screw and threaded hole for a variety of reasons including desired strength of connection, available fasteners, or available tooling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the bolts and holes of the Izzi, Sr. device with screws and threaded holes.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 11 above, and further in view of Gunnerson.

Izzi, Sr. fails to disclose a hook member on the handle. However, Gunnerson discloses a hand saw with a handle (15) including a hook portion (see bottom portion) for hanging said saw. The open structure of the Gunnerson handle would allow for a larger hand to comfortably grasp the handle grip than the closed structure of the Izzi, Sr. handle grip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the closed handle grip of the Izzi, Sr. device (still retaining the portion that couples to the blade mounting portions) with an open handle grip with a hook member, as disclosed by Gunnerson, for the purpose of accommodating larger hands.

Art Unit: 3724

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Disston (110,751), Travis (137,978), and Abbott (1,324,712) disclose hand saws.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

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October 17, 2005



KENNETH E. PETERSON
PRIMARY EXAMINER